

Meeting of 1999-6-8 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 8, 1999 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager

John Vincent, City Attorney

Brenda Smith, City Clerk

Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:15 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One

Richard Williams, Ward Two

Glenn Devine, Ward Three

Robert Shanklin, Ward Five

Charles Beller, Ward Six

Stanley Haywood, Ward Seven

Randy Warren, Ward Eight

ABSENT: John Purcell, Ward Four

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 25, 1999.

MOVED by Smith, SECOND by Warren, for approval of the minutes. AYE: Haywood, Warren, Smith, Williams, Devine, Shanklin, Beller. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

David Williams, 1608 NW Black Mesa Drive, requested Council consider his property at 904 SW E Avenue. He explained history of the property, to include condemnation actions, remodel permits and demolition permits and contended that the City should take no action on his property, which is now occupied by his brother, who is also using an accessory structure for storage of his personal belongings. Dan Tucker, Code Administration Director, reviewed the City's actions regarding the structure and stated the last permit that was issued has expired and the property was being advertised for a contractor to carry out the condemnation. After all discussion, staff was asked to return the property to the June 22 agenda for further consideration, and that video of the property be presented at that time.

UNFINISHED BUSINESS:

1. Consider the following damage claim recommended for denial: Kathy Fanning. Exhibits: Claims Memorandum/Recommendation.

Vincent said Ms. Fanning advised his office that she could not be present tonight due to surgery and requested the item be tabled until the first meeting in July.

MOVED by Smith, SECOND by Haywood, to table the claim until the first meeting in July. AYE: Warren, Smith, Williams, Devine, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

2. Receive a briefing from the Lawton/Fort Sill Chamber of Commerce and Industry (LCCI) and consider approving the 1999-2000 Hotel/Motel Tax Budget. Exhibits: LCCI Letter; Hotel/Motel Proposed 1999-2000 Budget.

Steve Livingston, Finance Director, said the Chamber is present with a briefing concerning the results from last year and to present their budget request for the following year.

Dr. Robert Drewry, Lawton Chamber of Commerce and Industry Chairman of Board of Directors, said a binder had been distributed for Council's information and that the Chamber Board and staff are cognizant that these funds are to be used for economic development and tourism purposes and that they are not frivolous with the money. Drewry said when these

funds are coupled with the Chamber's additional resources, the potential is maximized. He said the Chamber actively seeks new industry, assists established businesses and industry, and works toward tourism development and enhancement. An announcement is expected soon regarding location of an industry that will bring good paying jobs to the area. Last year's announcement of the construction of the Republic Paperboard plant has catapulted the construction industry, as well as other support and service industries. Bar-S Foods, Lawton Correctional Facility, and Chem Pac have all brought much needed jobs; the Chamber is currently working with many prospects and has worked with existing businesses and industry that provide jobs for local citizens. The Chamber has hired a person to work with nothing but industrial retention and expansion. Tourism numbers continue to grow and a list of events is included in the binder. Total economic impact for those activities is now near \$3 million and projected total impact is nearly \$5 million. Drewry requested the budget be approved for the full funding allocation of \$320,000.

Shanklin asked if the Chamber had a full time person for economic development. Drewry said Fred Blalock works with existing businesses.

MOVED by Williams, SECOND by Smith, to approve the Chamber of Commerce 1999-2000 hotel/motel tax budget in the full amount of \$320,000.

Baker said the motion as stated would require that \$93,000 be moved from Council Contingency back to hotel/motel funding. (clarified below)

Shanklin asked if economic development efforts would be coordinated between the Chamber of Commerce, Comanche County Industrial Development Authority, the group on Lee, and the City in general, and if there would be one leadership and who would be running the program. Marilyn Feaver, Chamber CEO and President, said a sample itinerary is provided in the binder showing the steps followed when an economic prospect comes to the community. She said she prepared the itinerary and the inquiry came to the Chamber of Commerce; they work closely with Great Plains Vo Tech and with Cameron and other economic developers in the community, to include Mike Austin with Public Service Company. Feaver said all of the individuals shown are part of a team that they work with when a prospect comes to the community, and should the prospect decide to locate here and require economic assistance, the Comanche County Industrial Development Authority would be approached.

Shanklin said the City is called in after all of the negotiations have taken place and is asked to provide water, infrastructure and other very costly items, and that he had a hard time with that. Feaver said the City Manager was scheduled to meet with the prospect shown on the itinerary, and that they try to have someone from the City involved. Shanklin said the City staff or City Manager do not have the authority to make the decisions that are involved. Feaver said they have a preliminary stage of acquainting the prospect with the community, and if it goes further, the other groups would be involved.

Shanklin said CCIDA is not mentioned and that is the group that has the money. Feaver said the prospect under consideration would not require funding from CCIDA, and that this discussion had been held previously. Shanklin asked if members of the CCIDA are members of the Chamber and Feaver said many of them are, but not all of them, and CCIDA is on the Chamber mailing list.

Warren said there is a need to have one entity, perhaps an authority created by the City, for all the entities to support with economic development funds, and that it would provide for the greatest accountability. He said he had received more calls this year than in the past as to whether the City would provide funding to the Chamber, and people were not in favor of doing so. Warren said he did not feel the City had control of the peoples' money. He said he had heard that Chem Pac was coming to Lawton whether they were provided any funds or not, and that he did not know how true that was but had heard the tape where it was discussed, and if that is the truth, at some point, we have lost the ability to control the peoples' money and Council is tasked with the job of making sure it is spent correctly. He said if an entity were created that could control that money and be accountable to the City, it would be a benefit. Warren said an effort had been made in the past to have these funds placed in a separate account and that had failed, but he felt the City was not being a good steward of the money in allowing it to be used in whatever manner that someone who is not responsible to the citizens deems necessary. He said he had heard too many rumors, and had found too many of them to be substantiated, and did not feel comfortable with providing the funding as has been done in the past.

Beller said the proposed budget for economic development dropped from \$66,000 to \$35,000, which is a very minimal amount for this purpose and that some funding would be needed to at least entertain prospective clients. He suggested that, at that point, the other entities could be brought in to further the discussions. Beller said he was interested in the Chamber handling the tourism aspect and providing assistance to established companies, and that the other groups could concentrate on economic development. He said the Oklahoma Today magazine highlighted Lawton and that the City cannot micro manage the Chamber, who has to send their expenditure request through the Finance Director.

Shanklin said he listened to the tape that Warren mentioned and that it disturbed him because some of the names on the draft were those who could possibly individually own the Haggard Slacks facility and then lease it out and use the \$200,000 to remodel it and that he did not like that but did not know how to address it. Feaver said any of the individuals who worked to recruit Chem Pac, which was then called Pope Industries, would tell you that Lawton competed with two other cities to get them to come in. Shanklin said he wanted to believe that but could not do so 100% due to information from other sources. Feaver said she had also heard the tape and understood the intent of it and that the Chamber was not a part of the discussion in the tape; she made the presentation to the Comanche County Economic Development Task Force to ask for the remainder of those funds to pay that incentive and it was after she left the meeting that the discussion took place.

She said there was no one there to be involved in that discussion which was reflected on the tape that could set the record straight. Feaver said the Chem Pac file can be reviewed by anyone who is interested.

Warren asked if there was a loss of jobs at Goodyear due to the Chem Pac prospect. Feaver said she could not speak for Goodyear but her information was that Goodyear would have used that process being developed by Chem Pac whether they located in Lawton or in another community; technology has a way of changing the way we do business and if you are paying someone \$12 an hour to do something and you find a way to pay someone else to do it for less money, you will make a business decision to do that. Warren asked if we allowed that business decision to be made by paying someone \$200,000 to pay people less; if we had not given the incentive and they would have gone some place else and Goodyear was going to do this anyway, is that not what we accomplished. Feaver said 125 people in this community would not have had jobs with Chem Pac, regardless of whether the pay was \$12, \$8 or \$6, there are 125 families receiving a paycheck because we recruited Chem Pac Industries and that has to have some value for the community.

Williams said he did not think any of the hotel/motel tax funding was used to pay an incentive so it may be a separate issue. He said the CCIDA provided the incentive and that Chem Pac could have located in Ardmore, where there is another tire plant, so Feaver's statements were correct.

Baker said he needed to clarify his earlier statement; if Council approves the budget as requested by the Chamber, \$93,750 will remain in the Mayor and Council's budget for economic development. Mayor Powell said the \$320,000 is in the budget, as well as the \$93,750 that is additional in the budget.

Warren suggested the Council at least require that the funds be kept in a separate account, which is a very simple matter and accurately reflects expenses. Shanklin said the Chamber membership budget is much greater than this and a group discussed this at length three years ago, and that he did not have as much of a problem with it as he had before. Warren said it is tax money and the City cannot co-mingle funds within two government-owned accounts, much less providing tax money to an entity which co-mingles funds with funds from a membership paying organization.

Scott Hatch, Chamber Accountant, said he could appreciate the reasons behind that idea. He said it is important to know that a lot of the costs associated with the hotel/motel tax and the Chamber are joint type costs, and they are not allowed to charge 100% of anyone's salary, and most of that is due to Council direction through the years. Hatch said maintaining two accounts would require them to write two checks for one item, which complicates the administrative and accounting function, and that is the only reason that he and the Chamber have been opposed to it.

Warren said, for example, if an employee were to buy a \$400 piece of art work on the Chamber credit card; who would pay for that credit card, is it all Chamber funding or is it split with taxpayer funding. Hatch said the check is written from the Chamber's account, and if it fits the criteria, based on the City's direction, as a legitimate economic development/tourism type expenditure, it is then charged against whichever fund that expenditure is associated with. Hatch said if it is a membership type expenditure, it would be charged to the dues fund; if it is an economic development type expenditure, it would be charged there. Warren said if it is for personal use of the employee; he said the example is if the credit card were misused, then whose money would have been used to pay for that. Hatch said if he could be given a specific example, he could research and find out exactly where it was charged. Warren said if it was separated, there would not be a question. Hatch said he could provide a detailed list by check number and invoice of everything spent with hotel/motel tax money, and that information can be provided without having two separate accounts.

Warren asked if a mid-year report was to have been presented in January. Feaver said it should have been presented and it was overlooked. She said monthly reports are provided to the Finance Director.

Beller asked if the request for payment comes to the Finance Director, and if he determines it is a legitimate purchase. Livingston said he does not do that because the contract is broadly written; he receives an expenditure report but it does not show individual items such as the painting or whatever they have bought and the check numbers, but just a report showing how much has been spent to date toward the classifications. Livingston said he looks to be sure they have received income to cover the expense but that he does no auditing of the accounts or expenses.

Williams said the City has asked the Chamber to bring in tourism and economic development and they have done so and the proof is in the jobs that have come to Lawton. He said any member could go to Feaver or Hatch to look into their concerns further.

Dr. Drewry said he wanted to make a comment about the art that was mentioned and that one of the staff members had just told him that at the Arts For All auction that the staff did bid and purchase art which they paid for with a personal check, and that could be something that was involved in that discussion but that he would look into it further.

Shanklin said he did not know that Mr. Blalock had been hired and was concerned that everyone seemed to be going in different directions on economic development when it would be better to be more cohesive to be more productive. Mayor Powell said he hoped that could happen.

VOTE ON MOTION: AYE: Smith, Williams, Devine, Shanklin, Beller, Haywood. NAY: Warren. MOTION CARRIED.

3. Hold a public hearing on the proposed budget for the fiscal year July 1, 1999 through June 30, 2000. Exhibits: Preliminary Budget Summaries.

Livingston said the City Manager prepared the preliminary budget and distributed it to Council on April 27, 1999, for fiscal year 1999-2000. The City Council held workshops on May 10 and 18. Oklahoma Statutes require that the City Council hold a public hearing to receive citizen input concerning the budget, and this item is to fulfill that requirement.

Mayor Powell declared the public hearing open and requested comment. There was none and the public hearing was closed.

4. Consider a resolution approving the fiscal year 1999-2000 budget. Exhibits: Resolution No. 99-65.

Shanklin asked if a supplemental budget would be needed with regard to pay classification issues that are to be on the June 22 agenda. Livingston said the proposed budget contains 3%, or \$400,000, that has not been distributed and the pay plan has not been changed and cost of living has not been granted, so Council action may be necessary to transfer funds, but that may not require a supplemental budget. Livingston said negotiations are still taking place with the bargaining units, and future Council action would be required in that regard, but that is not unusual at this time of year. Baker said Livingston is correct that funds are built into the budget, approximately 3%, to address salary issues for employees, but that is for general employees only.

Warren said the City Manager and staff have done a wonderful job with the budget. He said he had received many calls and personal visits with regard to the storm that happened a few days ago, and there is a real feeling of unease among the citizens. Warren said the comments were that they would feel much safer and more protected if the City were to take the entire storm warning system under City control. He suggested the \$30,000 from Account 96 for Civil Defense be placed in Council Contingency, and retain that money until we can come up with our own plan for how to go about achieving our own in-house storm warning system to provide the citizens with a better comfort level because they were unhappy with events during the last storm. Warren said shelter provisions and when and how the sirens are sounded need to be considered further, and citizens trust their lives and homes to the City fire, police and communications employees because they do these things daily.

Haywood said if a person is being condemned, he should be given a chance to speak. Warren asked who he was condemning. Haywood said the sirens did not go off and he was not taking up for Atkins but that he should be given a chance to talk. Warren said he was not condemning anyone and that the citizens he had talked to would feel more comfortable if the sirens were controlled by the City of Lawton. Shanklin asked who owns the sirens and Warren said the City.

Mayor Powell said he had called a meeting this morning, which was attended by Lawton Public School personnel, Richard Atkins, one County Commissioner, along with some City officials, and questions were asked about the rationale of when to sound the sirens and when not to, and that was discussed at length. He said it was his understanding that the last time this was brought up to date was when Mr. Metzinger was here, and that is being worked on today. Mayor Powell said they talked about the lack of shelters and having only two facilities for the entire City of Lawton is not acceptable, and it is being worked on. He said he asked that Mr. Atkins bring something back within two weeks, and that Atkins was working with the Public Schools, Vo Tech, local churches, and Cameron to try to find more shelters. Mayor Powell said they also talked at length about the sirens and a plan and exercising a plan. He said the sirens will be tested tomorrow at 6:30 p.m. so people could hear them from their home environment and not when they are at work. Mayor Powell said he called the meeting because of the concerns that had been expressed to him in this regard, and that Baker had assured him that a good plan was in place, but that it needed to be exercised.

Shanklin asked how the sirens get turned on. Mayor Powell asked that Mr. Atkins answer that question. Richard Atkins, Civil Defense Director, said the sirens are collectively turned on and it is under radio control with a button at the police station at the central dispatch to activate them. Atkins said he had a direct line to central dispatch, it is a ring down line where they would not get a busy signal, and he advises the dispatcher when there is a situation that warrants the sounding of the sirens and she reaches up and hits the button and they are sounded. Shanklin asked if that authority had to come from Atkins, and asked what would happen if he was sick or on vacation. Atkins said he has a secretary and if he or his secretary are not in, there is a mechanism where the police chief, fire chief or the Mayor can act, and there is a succession as to who has the responsibility. Atkins said if the Mayor is not available, nor a police chief or police supervisor, the dispatchers can take it on themselves to blow the sirens given the information that they have. Mayor Powell said discussion was held this morning about having an assistant to the director because there is no one to call on in case of Atkins' absence, and that they should not depend on the Mayor to push that button. Atkins said he passes out a memo to central dispatch, the City Manager and the County Commissioners when he plans to be out of town, and provides contact numbers.

Shanklin asked what authority Mr. Atkins operates under. Vincent said state statutory authority under the emergency management section, Title 63, and we have entered into a mutual aid agreement with them.

Smith said the general population of Lawton, after Monday's storm, is extremely concerned. He said after the storm, he went out to survey the damage on his house and many of his neighbors, 40 to 50 people walking up and down the street chatting about the damage, wanted to know from their councilman why the sirens did not go off. Smith said his response was that they would have to talk to the Civil Defense Director because he did not know, and when the interview came out with the response that it was because of a straight wind and it does not count, people were really upset because a hurricane force wind does not count. He said those who had voiced their opinion to him stated they had lost complete

confidence in the system as it stands. Smith said he would make a motion to pull that \$30,000 until we review the contract which is set for the end of this month.

MOVED by Smith, SECOND by Warren, to pull that \$30,000 and hold it in abeyance until June 22 at which time Council must be given a satisfactory plan of attack. (withdrawn below)

Smith said if that is not provided, he would not support the contract. Mayor Powell asked where those funds would go and Smith said they would be held in abeyance. Shanklin said the funds could not be spent until the contract is considered, so the funds do not have to be pulled and the contract can be debated on June 22.

Williams asked what the City receives in return for the \$30,000. Baker said the emergency management director is to provide an emergency management program for the community, and that is about as specific as it gets. Warren said in December 1998 we asked that there be an emergency operations exercise prior to the spring storm season and that did not occur to his knowledge, so he did not know what the City had received for the funding.

Shanklin asked if the Mayor was satisfied with the result of the meeting held this morning. Mayor Powell said he was satisfied and that something would be brought forward in two weeks, but there is a plan in place now. Mayor Powell said he was of the firm opinion that the sirens would be sounded if there is a 70 mph wind headed this way and that the citizens could depend on the sirens being sounded.

SUBSTITUTE MOTION by Shanklin, SECOND by Devine, to hold off until June 22 before we make any move on the \$30,000. (withdrawn below)

Williams said the sounding of the siren is one issue, and another is where the facilities would be located, which was discussed this morning. He said he would like to see a more comprehensive plan in place.

Shanklin said he could understand this set up if there was a population of 5,000 people in the county, but in this case, Lawton contains the population and should have more input. He said he did not even know who hires the civil defense director, and that the only choice was to wait until June 22.

Warren said he had requested an item for June 22 for Council to establish a Council committee, group of citizens and people from different agencies because there are more issues than who will push the button and where people will go. He said they need to know what agencies will provide what services at the end and how we would collect donations and many other things that need to be considered. Warren said he felt that a committee should be established and include citizens, because they are the ones having the biggest problem with this, and Council can look at that on June 22. Mayor Powell said the agencies were at the meeting this morning and they have some concerns also, so these things have been addressed and he hoped something would be provided by June 22.

Baker suggested the budget be adopted with the \$30,000 included, and the item will be returned to Council on June 22 with a contract; if Council does not wish to appropriate funds at that time, that decision can be made. He said there is a need to adopt the budget tonight and address the civil defense issue on June 22.

Previous motion and substitute motion were withdrawn.

MOVED by Warren, SECOND by Smith, to adopt the budget as amended because of the Chamber of Commerce action and adopt Resolution No. 99-65. AYE: Williams, Devine, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-65

A resolution of the governing body of the City of Lawton adopting, approving and promulgating an official budget for the City of Lawton for fiscal year 1999-2000 in accordance with the provisions of the Municipal Budget Act of the State of Oklahoma; approving the appropriations, estimate of revenues, and the planned expenditures contained in said budget for fiscal year 1999-2000; establishing and approving the Sinking Fund levies set forth in said budget for fiscal year 1999-2000; and directing that said budget be filed and published in accordance with State law.

ADDENDUM:

1. Consider directing staff to write an ordinance to provide a method of inspecting and confirming the infestation of termites. Exhibits: None.

Shanklin said he requested this item and felt there should be a check and balance as to someone saying you have termites and requiring \$600 or \$700 in payment without someone being able to confirm that fact. He said we inspect almost everything else in construction and it is for the safety of the citizens. Shanklin said if a citizen felt he needed a second opinion, the City could confirm whether or not there was an infestation and if the insects were live or if they had been dead for 30 years and someone had been collecting off of that for a long time. He said he did not think extensive training would be required for an employee but that if the City had this available, the firms might be more attentive.

Warren said the service should be revenue neutral and the City should charge its actual cost. He said it might provide an incentive for those who are inspecting to make sure they get it done right. Mayor Powell said the item shows a charge of \$50. Shanklin said that was only a suggestion.

Smith said it would allow the City to do something of a positive nature and provide a service for the citizens who might not be sure what they are getting in termite inspections.

MOVED by Shanklin, SECOND by Warren, to direct staff to return an item in this regard.

Williams said Lawton prides itself on being business friendly and asked if this is for new homes or when homes are sold or if a homeowner has rotted wood and calls an exterminator who tells them they have termites and it will cost \$1,500 to get rid of them. He said the owner is under no obligation to contract with that exterminating company and has the opportunity to get a second, third or more opinions. Shanklin said he went under his home and found there had not been a live infestation for probably 30 years, and that he bought property across the street and went through the same thing. Williams said he did not think the City could provide the service for \$50. Warren said that was just a nominal fee that was mentioned and the cost should be the City's cost. Shanklin said the City inspects water heaters for \$15.

Devine asked if the exterminating companies are licensed and bonded. He said his business was required to have those items and if a client finds something wrong, they can sue the bonding company. Devine suggested that could be applied to exterminating companies also. Shanklin said an exterminating company can send a paper to a mortgage company stating structural damage, but it does not say what kind. Warren said staff should provide information as to the comparable fee to the other inspections.

Williams said this will end up with an exterminating company saying a person has termites, and the City's employees will disagree, and there will be an argument. Mayor Powell said it could save a person \$1,800 and Williams said the person does not have to get it done. Shanklin said it could prevent sale of property. Williams said if a person wants another opinion, they could call another exterminating company.

VOTE ON MOTION: AYE: Devine, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

ADDENDUM: Consider ratifying the Mayor's Emergency Proclamation in order to be eligible for State reimbursement for expenses related to the Memorial Day storm. Exhibits: Disaster Emergency Proclamation; Notice of Interest in applying for State public assistance.

Baker said shortly after the Memorial Day storm, we were in contact with Mr. Atkins who advised that we might be eligible for reimbursement from the State. The County has passed a proclamation declaring the County an emergency area. He said the significance of that is that if the declaration is made, you may be eligible for reimbursement on storm-related expenses up to \$100,000. Baker said in 1996 the City received a check from the State for \$100,000. He said we have been documenting the expenses in this regard and cannot be eligible for the reimbursement unless the City is declared a disaster area. Baker said we do not know if all of the criteria have been met, but if we do not try, we would not be reimbursed. He said the State office told Mr. Jackson that this needed to be done immediately or as soon as possible after the disaster because it does not appear to be credible if you wait a week and send it in. Baker requested the Council ratify the disaster proclamation to be eligible to receive up to \$100,000 reimbursement.

Shanklin asked if the County qualifies. Baker said the County declared a disaster. Shanklin asked if that meant for the area outside the Lawton City limits only and if we are separating the City from the County. Atkins said two or three years ago the State Legislature set aside \$3 million for an emergency fund; the problem is with FEMA that you really have to have a devastating situation to qualify for a Presidential declaration. Atkins said this situation does not qualify for a federal declaration; the State set aside \$3 million to help communities recover from a localized state of emergency. Atkins said in this fund, each individual entity is eligible for up to \$100,000 reimbursement, and it is based on the same guidelines used in the federal declaration that the State uses for the State declaration; the county can apply, Lawton can apply and any city in the county can apply.

Mayor Powell said the County can apply independently and the City of Lawton can also apply independently to receive the funding. Atkins said yes and if you only use \$50,000 of the \$100,000 and then get hit again in October, you can apply then for the other \$50,000.

Warren asked if this is all contingent on the Governor declaring Comanche County a disaster area. Vincent said once the applications have been made by the various governing bodies, the Governor must make a declaration and then you fall under the provisions of another section where Council would have to approve submission of an actual fund request to the State Emergency Management Board.

Shanklin said the crews have worked a lot of overtime and have done an outstanding job. He asked how the County would spend its \$100,000. Atkins said the County has incurred cost in the Pecan Valley area and some of the other outlying areas around Pecan Valley in debris removal and some damage to signs, as well as one tin horn. Atkins said the inspector from the State Department of Civil Emergency Management will be here tomorrow to tour areas within the City that have been affected, and that he would get with Mike Shaw tomorrow to outline some areas for them to look at as examples of damage; they would also review the county sites tomorrow afternoon. Atkins said they would take pictures of debris piles at the landfill to see how much work has already been done; the information will be sent back to the State Board which will forward a recommendation to the Governor as to approval or denial of the funding requests. Atkins said one thing that is considered is the budget of the city involved, although he could not say how that was figured into their calculations. Shanklin said we opened our landfill to one and all for the debris and Atkins said that is no problem. Atkins said there had already been one visit from the State office and pictures were taken, so that will be helpful.

MOVED by Smith, SECOND by Shanklin, to ratify the Mayor's emergency proclamation. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

5. Consider the following damage claim recommended for denial: Ross H. and Beverly Wallace. Exhibits: Legal Opinion/Recommendation. Action: Denial of claim.

6. Consider adopting a resolution declaring that Ninety Percent (90%) of the budgeted and appropriated revenues for fiscal year 1998-99 have been collected for the General Fund. Exhibits: Resolution No. 99-66.

(Title only) Resolution No. 99-66

A resolution declaring that Ninety Percent (90%) of budgeted and appropriated revenues have been collected for the General Fund.

7. Consider adopting a resolution expressing support for the South Central Oklahoma Clean Air Program, establishing a clean air policy for said community, authorizing the City Manager of the City of Lawton to establish program activities, and establishing an effective date. Exhibits: Resolution No. 99-67; Draft Administrative Policy.

(Title only) Resolution No. 99-67

A resolution of the Mayor and City Council of the City of Lawton, Oklahoma, expressing support for the South Central Oklahoma Clean Air Program; establishing a Clean Air Policy for said community; authorizing the City Manager of the City of Lawton to establish program activities; and establishing an effective date.

8. Consider approving the construction plat for Wyatt Acres, Part 12, subject to a condition. Exhibits: Plat Map; Memorandum from Traffic/Civil Engineer. Action: Approve the construction plat for Wyatt Acres, Part 12, subject to approval of the water and sewer permits by the Oklahoma Department of Environmental Quality.

9. Authorize the Mayor to enter into an agreement with the U.S. Bureau of the Census for partnership activities related to Census 2000 Promotion. Exhibits: Kansas City Regional Census Center Partnership Agreement. Action: That the City Council authorize the Mayor to enter into an agreement with the U.S. Bureau of the Census for partnership activities related to Census 2000 Promotion.

10. Consider bid proposals submitted for the sale of nonessential property located in Brockland Addition, select the successful proposal or proposals, and authorize the Mayor and City Clerk to execute the Contract for Sale and Quit Claim Deed. Exhibits: Location Map. Action: Accept the bids of Leonard Nottingham (\$150.00) and Angel Acevedo (\$117.00) and authorize the Mayor and City Clerk to execute the Contracts for Sale and Quit Claim deeds for part of Lot 38, Block 15 and part of Lot 65, Block 15, both in Brockland Addition.

11. Consider adopting a street light resolution to authorize installation of additional street lights in residential areas. Exhibits: Street Light Resolution 407. Action: Adopt Street Light Resolution 407 for installation of one light in Harold Park at 40th and Cache Road and two lights at the Wastewater Treatment Plant along Tinney Road.

12. Consider adopting a street light resolution to authorize installation of additional street lights and installation of underground utilities in the McMahon Auditorium and Museum of the Great Plains vicinity. Exhibits: Street Light Resolution No. 408. Action: Adopt Street Light Resolution 408 for installation of four lights between McMahon Auditorium and Museum of the Great Plains, to include installation of underground utilities.

13. Consider approving Releases of Mortgage on residential property belonging to Ms. Alfrietis Priester at 2628 NW Pollard, Lawton, Oklahoma, and Malbern R. and Vesta W. Barnes located at 1510 NW Park, Lawton, Oklahoma, and authorize execution of the Release of Mortgages. Exhibits: None. Action: Approval of item.

14. Consider awarding a construction contract to R.C.J. Construction, Inc. for the General Facilities Project 97-13 Patterson Center (Part 2). Exhibits: Map; Bid Tab. Action: Award contract in the amount of \$19,700.00.

15. Consider acknowledgment of receipt of the Report of Commissioners, Case No. CJ-99-184, City of Lawton vs. Don C. and Beverly A. Wooley and approval of the claim submitted by the District Court Clerk for payment of Commissioner's award and fees. Exhibits: None. Action: Approval of item. Background: "On 8/11/98 a written offer of \$18,700 was delivered to Mr. & Mrs. Wooley as a part of the right of way acquisition for West 82nd Street Reconstruction Project. Condemnation action was filed on 2/12/99. The Commissioner's Report was filed on 5/20/99. The Commissioners' award is for \$22,100 plus Commissioners' fees of \$250 each for a total amount of \$22,850."

16. Consider acknowledgment of receipt of the Report of Commissioners, Case No. CJ-99-179, City of Lawton vs. Duane and Constance Ann Gartner, Trustees of the Gartner Family Trust and approval of the claim submitted by the District Court Clerk for payment of Commissioner's awards and fees. Exhibits: None. Action: Approval of item. Background: "This parcel is a part of the right of way acquisition for the West 82nd Street Reconstruction Project. Condemnation action was filed on 2/12/99. The Commissioners' report was filed on 6/2/99. The Commissioners' award is for \$30,600 plus Commissioners' fees of \$400 each for a total amount of \$31,800."

17. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton, and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Agreement. Action: Approval of item.

18. Consider approving amendments for legal services agreements between the City of Lawton and the following firms/attorneys extending the expiration dates of said agreements to June 30, 2000: Alan Rosenbaum; and Burgess and Burgess, Inc.; and authorize the Mayor and City Clerk to execute the amendments. Exhibits: None. Action: Approval of item.

19. Consider approving an Agreement for Limited Services between the City and the Museum of the Great Plains Authority, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement for Limited Services. Action: Approval of item.

20. Consider approving an amendment to the agreement between the City and Co-Op Services, Inc. and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Amendment No. 5; Letter from Co-Op Services, Inc. Action: Approval of item.

21. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (re: Juvenile Detention Center); J. Roy Dunning (re: children's shelter); Roadback (re: detoxification center); Crimestoppers, Inc. of Lawton (re: allowing the proceeds from the sale of personal property to be transferred to Crimestoppers/Drug Busters); The Department of Corrections (re: allowing payment from DOC to the City of Lawton for temporary housing of state inmates in the city jail); and AST, Inc. (re: rental of police vehicle while off duty). Exhibits: None. Action: Approval of item.

22. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the agreements: City of Cache; City of Indianahoma; Town of Chattanooga; Multiple Community Services Authority. Exhibits: None. Action: Approval of item.

23. Consider approving agreements for euthanization services with the Town of Geronimo and the Town of Cache, and authorize the Mayor and City Clerk to execute the agreements. Exhibits: None. Action: Approval of item.

24. Consider entering into agreements with Northside Chamber of Commerce; Christian Family Counseling Center; Hospice of Lawton Area, Inc.; Great Plains Improvement Foundation, Inc. and Zoe Christian Center to carry out CDBG projects authorized in the City of Lawton Consolidated One-Year Action Plan for FFY 1999 (1 July 1999 through 30 June 2000). Exhibits: None. Action: Approval of item.

25. Consider ratifying contract for Agricultural/Grazing Sublease Agreement - Tract E-21. Exhibits: None. Action: Ratify Water Authority action of awarding agreement to Tommy Morris, Elgin, OK, high bidder.

26. Consider ratifying the action of the Lawton Water Authority on the request of Janice Meese and/or Robinson's Landing, Inc., lessee of the Robinson's Landing Concession, to sublease jet ski, paddle boat and canoe rentals to Face Man's Water Craft Rentals, and, if the request is approved, authorize the Mayor to sign the letter of authorization. Exhibits: None. Action: Ratify Water Authority action of approval of this item.

27. Consider awarding contract for Mowing and Litter Contract. Exhibits: Recommendation; Abstract of Proposal. Action: Award contracts to: Inland Service Corporation; Beaver Creek Tractor Service; Terry Turner Contractors.

28. Consider awarding contract for redi-mix concrete. Exhibits: Recommendation; Abstract. Action: Award contract to Southwest Ready Mix of Lawton, OK.

29. Consider approving the following contract extensions: a) Lawton Arts & Entertainment Magazine with Colorgraphics "The Print Shop"; b) Photography Services with One Hour Moto Photo; c) Plexar Telephone Service with Southwestern Bell; d) E-911 Equipment and Support Services with Southwestern Bell; e) Hydraulic Pump and Cylinder Repair with Hannon Hydraulics, Inc.; f) Elevator Maintenance with Dover Elevator Company; g) Asphalt Street Material with H.G. Jenkins Construction, Inc.; h) Tree Transplanting Services with Gleason Tree Farm; I) Technical Support for International Festival with Journey Productions; j) Soil with Penland Top Soil; k) 3' Fluorescent Lamps with Voss Lighting. Exhibits: Fact Sheet. Action: Approval of item.

30. Consider appointments to boards and commissions. Exhibits: Memorandum.
Mayor's Commission on the Status of Women: Barbara Moeller, Ward 6, Term: 6/8/99 to 1/23/2000

31. Consider approval of payroll for the period of May 31 through June 13, 1999.

MOVED by Shanklin, SECOND by Warren, to approve the Consent Agenda items as recommended. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Mayor Powell reported that a meeting was held this morning, as was discussed earlier, and that Atkins would bring

something to Council in two weeks. He said he felt extremely good about the meeting, that the right people were there, and that he had checked with the City Attorney to make sure he was doing that right and that he had been assured that he was, so they carried on. Mayor Powell said we are thankful there were no serious injuries or deaths. He said there is still a lot of debris to be removed and a lot that has been taken to the landfill. He expressed appreciation to those who worked so hard to bring things back to normal.

Beller asked how we address the fact that families may be in cellars which are covered with debris. Mayor Powell said that was not addressed this morning, although parking problems were discussed and when the new list of buildings is provided for use as shelters, the parking will be considered. Mayor Powell said friends or relatives may need to check on those who might be in a cellar covered with debris. Warren said he thought fire and police checked on that when they went through an area.

Williams said the crime rate has decreased again and the police should be commended; year to date class one crimes have decreased 17.7%. Smith said it was a 14% decrease the previous year also.

Haywood said the second annual city-wide Juneteenth Celebration will be dedicated to the memory of Councilwoman Carol "Cookie" King Green. It will be held June 19th in the Patterson area and traditional foods will be provided free of charge.

Baker requested a special meeting on Friday to consider an application for State funding for the Flower Mound Road Project. Special meeting was set for Friday, June 11 at 8:45 a.m. Baker said a special meeting had also been set for Tuesday, June 29 to consider condemnation of structures; time of meeting will be 5:30 p.m.

Baker reviewed numbers of high weeds and grass complaints as follows: 1,023 complaints received; 818 found to be in violation; 658 administrative orders issued; abatement done by owner on 271 cases; 55 charges filed; 57 properties mowed by contractor; 147 pending checking legal descriptions; no violations found on 41 complaints and 17 were wrong addresses. Baker said the high weeds and grass is a real problem with the rain. Williams said this is not new and it happens every year where we get behind. He said an inspector checks it, then someone gets the legal description, contacts the owner and gives them 10 days to do something. Williams asked what liability there would be if the City were to just mow a property that was vacant with very, very tall weeds and grass, and then continue with the legal process, realizing the City may not be able to recover the contractor's mowing cost.

Vincent said the agents should not illegally enter the property and the City would be liable for any damage that might occur and the City could not collect any of its costs. He said the City does not have the authority to enter property unless they follow statutory procedures. Vincent said even if there is no damage, it would be an illegal trespass. Williams said he thought there should be a better way to handle these problems. Mayor Powell said someone had sent him something from a city in Kentucky as to how they handle this and Baker is looking into it. Shanklin said they spent time at the State Capital two years ago trying to get a statute written that would help in this regard and it was unsuccessful; he suggested the newspaper publish the numbers that Baker had given so the public would help on its own.

Baker said he had been asked for information concerning activities at the lakes over the Memorial Day weekend and provided the following: Estimated 1,500 people camped at Lawtonka and Ellsworth; \$5,488 in revenue was collected from that. Day use area estimate was 3,780 people; revenues of \$1,890. Total revenue \$7,378, and combined number of people estimated at 5,280. Law enforcement activity during that weekend, to include specific questions such as the schedule for the patrol boat at Lake Lawtonka, and in particular on Sunday afternoon, the Police Department policy is one hour per shift per officer is to be on the lake unless it cannot be done for some good reason. On Sunday afternoon, we had 7.3 hours on the water in the boat. He said from Saturday to early Monday morning we had a total of 14 officers and two supervisors assigned, and four additional people on Memorial Day itself. Estimated cost of patrol for the weekend was \$4,200. Two tickets were issued. Also, there is a boat assigned to Lake Ellsworth. He said those are the answers to the questions he had received and that he could provide additional response if needed.

Smith said his wife had offered to take group photographs at an upcoming meeting and that was agreeable.

Shanklin said he challenged Council previously as to non-payment of a sewer back up and that the resident has now experienced another back up. He asked if this next back up would qualify for payment. Vincent said if we had a first back up and know it was in the sewer main and another is then experienced, it would probably be payable.

Mayor Powell said we were encouraged to apply by ODOT for the funding mentioned for Flower Mound Road and it is a non-matching grant situation for the one mile between Lee and Gore. He said he hoped the funding would be approved.

BUSINESS ITEMS:

32. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for a Collective Bargaining Agreement for FY 1999-2000 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

33. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an Employment Agreement for FY 1999-2000 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

34. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appointment of John Kinslow as Municipal Judge, consider approving the employment agreement and authorize the Mayor and City Clerk to sign the agreement. Exhibits: None. (Contract and summary submitted under separate cover.)

MOVED by Williams, SECOND by Warren, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Shanklin. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:05 p.m. and reconvened in regular, open session at approximately 8:34 p.m. with roll call reflecting all members present except Purcell.

Vincent reported the Mayor and Council met in executive session to consider Items 32 and 33 as shown on the agenda and that no action was needed on those items at this time.

Mayor Powell read the title shown above for Item 34.

MOVED by Shanklin, SECOND by Haywood, that John Kinslow be hired as the Municipal Judge, be sworn into office, and for approval of the employment agreement. AYE: Warren, Smith, Williams, Devine, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED. The Clerk announced that Purcell would have voted yes on this item had he been present and that he had asked her to convey that information as allowed in the Council's Rules of Procedure.

The oaths of office were administered to John Kinslow by District Judge Ken Harris at this time. Kinslow was accompanied by his family and expressed appreciation in being selected for this position.

There being no further business to consider, the meeting adjourned at 8:40 p.m. upon motion, second and roll call vote.